

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHAWN WILLIAMS,)	
)	
Plaintiff,)	Case No. 07 C 6207
)	
v.)	Judge Guzman
)	
Z. D. MASONRY, CORP., et al.,)	Magistrate Judge Brown
)	
Defendants.)	

PLAINTIFF'S MOTION TO AWARD FEES AND COSTS

Plaintiff Shawn Williams, through his attorneys, respectfully moves pursuant to Local Rule 54.3 for entry of an order awarding him \$44,511.37, comprising fees in the amount of \$43,287.50 and costs and expenses in the amount of \$1,223.87, and in support states as follows:

1. This matter is an employment discrimination claim under Title VII, 42 U.S.C. § 2000 e, *et seq.*, and Section 1981, 42 U.S.C. § 1981.
2. The Court entered defaults against the defendants on January 31, 2008, scheduled a prove-up hearing for March 11, and at that time offered plaintiff the opportunity to submit his prove-up material in writing, which plaintiff chose to do.
3. Plaintiff submitted affidavits, exhibits, detailed computations of losses, interim earnings, and interest calculations, and a memorandum of law on March 24, 2008; and on March 31, the Court entered judgment for plaintiff, providing the full monetary relief requested, along with an award of \$10,000.00 as punitive damages.

4. On June 17, 2008, plaintiff presented a motion for instructions pursuant to Local Rule 54.3(g), explaining that the defendants had not responded to his communications seeking to reach the necessary agreements and prepare the joint statement provided for under Subsections (d) and (e) of Rule 54.3.

5. The Court instructed plaintiff's lawyer ("Bennett") to continue to attempt to obtain the cooperation of the defendants, but otherwise to proceed without such cooperation and involvement and to present his motion on July 21, which date the Court subsequently changed to July 30 at Bennett's request because of a conflicting jury service obligation.

6. Bennett continued to attempt to obtain cooperation and involvement of the defendants, but was not successful.

7. As set forth in the attached declaration from Bennett, the requested fee award is based on rates of \$350.00 an hour for 14.50 hours of work by Bennett, and \$90.00 an hour for one hour of work by a research clerk working under Bennett's direction during the period that this matter was being pursued through a set of charges at the EEOC; and 86.35 hours of work by Bennett at the rate of \$400.00 an hour and 7.95 hours of work by two of Bennett's associates at the rate of \$350.00 an hour starting with when Bennett and Williams had determined that the matter would be withdrawn from the EEOC and a complaint filed, and continuing through the time of filing this motion.

8. Attached to this motion as Exhibit A is a detailed declaration from Bennett setting forth the basis for the fees and costs Williams seeks to have awarded through this motion, along with an explanation of Bennett's background and experience, the normal

fee structure Bennett uses in employment matters, and an explanation of the categories of work performed.

9. Attached to this motion as Exhibits B is a detailed breakdown of all work performed and for which recovery is sought through this motion; and attached as Exhibits D, E, and F are declarations from other attorneys addressing the reasonableness of the requested rates, as well as standard fees in matters of this sort.

10. Attached to this motion as Exhibit C is a listing of all cost and expense items for which Williams seeks recovery.

11. Williams respectfully submits that his attorney has complied with the requirements of Rule 54.3 to the extent possible in light of the defendants' failure to cooperate, that the attached material demonstrates his entitlement to a fee award as requested, and that the motion should be granted.

WHEREFORE, Williams respectfully asks that the motion be granted and that a fee award, in the form attached or otherwise, be entered.

Respectfully submitted,

/s/ Barry M. Bennett
Attorney for
Attorney for Shawn Williams

Barry M. Bennett
DOWD, BLOCH & BENNETT
8 South Michigan Avenue, 19th Floor
Chicago, IL 60603
(312) 372-1361